

REMARKS

Claims 14 - 22 remain in this application. Claims 14 - 21 have been amended.

Claims 14 - 20 were rejected under Section 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully submits for the forthcoming reasons that claims 14 - 20 as amended now conform to the statute.

The base cloth for tufted carpet set forth in amended claims 14 - 19 is constituted by nonwoven fabric made of filaments formed of poly lactic acid based polymer, the polymer being a copolymer of D-lactic acid and L-lactic acid, one of the D-lactic acid and L-lactic acid having a copolymerization mole ratio of 90 or more and less than 100 and the other having a copolymerization mole ratio of more than 0 and 10 or less. The base cloth for tufted carpet set forth in amended claims 20 and 21 is constituted by nonwoven fabric made of a mixture of first filaments formed of first poly lactic acid based polymer which is a copolymer of D-lactic acid and L-lactic acid, one of the D-lactic acid and L-lactic acid having a copolymerization mole ratio of 90 or more and less than 100, and second filaments formed of second poly lactic acid based polymer having a lower melting point than that of the first poly lactic acid based polymer which is a copolymer of D-lactic acid and L-lactic acid, one of the D-lactic acid and L-lactic acid having a copolymerization mole ratio of 90 or more and less than 100. The tufted carpet set forth in claim 22 comprises the base cloth according to any one of claims 14 to 21.

According to the foregoing definitions, the melting point of the copolymer can be equal to or higher than 120 degrees C (see specification pages 5 - 6), allowing the carpet to be provided with a required durability to heat. Thus, the base cloth can withstand the backing process accompanying the production of carpets, during which heat is applied. In addition, the heat shrinkage of the base cloth becomes small.

The current claim amendment is based on the description in the specification at pages 5 and 6, plus introduction of such expressions as "less than 100" and "more than 0." Although these expression do not directly appear in the specification, without such

interpretations as "less than 100" and "more than 0," the combination of 100 and 0 would also be included, which does not make sense. Therefore, these expressions could be regarded as equivalent to what is described in the specification, and clarification with these expressions would not at all correspond to bringing up any new matter.

Claims 14 – 21 were rejected under Section 102(b) as being anticipated or alternatively under Section 103(a) as being obvious over EP 765,959 (Nagaoka et al.). Applicant respectfully traverses this rejection. The present invention relates to a "base cloth for a tufted carpet," which differs from a mere "nonwoven fabric" of Nagaoka. Particularly, in the base cloth for tufted carpet set forth in the amended claims of the present invention, the nonwoven fabric, made of filaments constituting the base cloth, is formed of a copolymer of D-lactic acid and L-lactic acid, one of the D-lactic acid and L-lactic acid having a copolymerization mole ratio of 90 or more and less than 100 and the other having a copolymerization mole ratio of more than 0 and 10 or less. Accordingly, it is possible to provide heat durability to the carpet as mentioned above. Nagaoka describes a copolymer of D-lactic acid and L-lactic acid from page 2, line 59 to page 3, line 5, but does not teach nor suggest at all that one of the D-lactic acid and L-lactic acid has a copolymerization mole ratio between 90 and 100 and the other has a copolymerization mole ratio between 0 and 10, which is a characteristic point of the present invention.

Nagaoka further shows example cases of using a copolymer of D-lactic acid and L-lactic acid in Examples 8 and 27. The nonwoven fabric in these examples, however, is formed of composite filaments having as one component thereof a copolymer of D-lactic acid and L-lactic acid, differing from that of the present invention. In addition, the other component of the composite filaments is a copolymer of L-lactic acid and hydroxyl-carbonic acid, differing from the present invention in this point as well. Moreover, Nagaoka does not teach nor suggest at all that the filaments constituting the base cloth are adhered with each other at the contact points thereof by binder resin, which is claimed in amended claims 15, 17 – 19 and 21 of the present invention.

Claim 22 was rejected under Section 103(a) as being unpatentable over the cited Nagaoka reference in view of EP 597,427 issued to Taniguchi et al. Applicant respectfully traverses this rejection. Taniguchi, at page 2, lines 16 to 26, names carpet merely as one of many general products using nonwoven fabric. The carpet of the present invention set forth in claim 22 comprises the base cloth formed of the nonwoven fabric as set forth in any one of amended claims 14 to 21. It is defined in claim 22 that the base cloth of the carpet is a nonwoven fabric and not that the carpet itself is a nonwoven carpet as in Taniguchi.

The drawing attached hereto shows an example of a sectional structure of a carpet using the base cloth of the present invention. As illustrated, the base cloth is just one of the materials forming a carpet. In the carpet of claim 22 of the present invention, the base cloth is merely constituted by a nonwoven fabric made of filaments formed of poly lactic acid based polymers. Other materials such as materials for tuft yarn and materials for backing are not limited at all in the present invention of claim 22. Thus, nothing about the base cloth of claim 22 is suggested even if Nagaoka is combined with Taniguchi.

Applicant submits that the claimed invention clearly distinguishes over the cited references and should be found allowable.

This request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to place this application in condition for allowance. Favorable action is requested.

Respectfully submitted,
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